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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,704	04/15/2004	Steven R. Fischl	IS01549ESG	6756

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MOTOROLA INC
600 NORTH US HIGHWAY 45
ROOM AS437
LIBERTYVILLE, IL 60048-5343

EXAMINER

FANTU, YALKEW

ART UNIT	PAPER NUMBER
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2838

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,704

Applicant(s)

FISCHL, STEVEN R.

Examiner

Yalkew Fantu

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 10, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa (US 6,434,337) in view of Goto (US 6,850,781).

With respect to claims 1, 31 and 32, Misawa discloses a portable electronic device (Fig. 1), comprising: a display (Fig. 3, 9), and a power source (Fig. 3, 42 and 43); wherein the portable electronic device presents safety information (Col. 2, lines 1-5) pertaining to the power source (Fig. 3, 42 and 43) on the display (Fig. 3, 9), but does not disclose expressly that the display indicates that the power source should not be disposed in fire, should not be disassembled, and the power source may be recycled. It is well known that batteries are collected separately from other waste items that may be burned, e.g. (Anne Arundel county, MD collects batteries separately from other items, examiner takes official notice of this).

Goto, however, discloses that the information displayed can be any variable information containing, at least, one of a telephone number, character message, such as rendering obvious (any language includes the power source should not be disposed in fire, not be disassembled or may be recycled), and an illustration figure (col. 2 lines 45-50). As an alternative, what language is specifically used is not entitled to patentable

Art Unit: 2838

weight only the printed matter doctrine, since there is no functional relationship between the printed matter and any structure. See *In Re Gulack* 217 USPQ 1381 (Fed. Cir. 1983).

Misawa and Goto are analogous art because they are from the same field of endeavor; warning device and information display method. The motivation for doing so would have been obvious in view of the teachings of Goto col. 2, lines 22-26 that by adding safety information and a method of display to the electronic apparatus in order to display inputted safety information that could be selected from the selection group as per the users will.

Regarding claim 2, Misawa discloses the safety information (Col. 2, lines 1-5) is presented on the display (Fig. 3, 9) when the device is turned on (Fig. 11; Col. 2, lines 55-56).

With respect to claim 10, the power source (Fig. 3, 42 and 43) comprises a rechargeable battery (Fig. 3, 42).

Claims 3 - 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa (US 6,434,337) and Goto (US 6,850,781) in view of Kabe (US 6,397,089).

With respect to claims 3, 4, 7 and 8, Misawa and Goto disclose the invention of claims 1, 2, and 10, as set forth above, however does not disclose that the device is capable of detecting whether the power source has been decoupled since the device was turned off or the device is turned on

Kabe discloses that the device is capable of detecting (Fig. 1, 14) power source that has been decoupled since the device is turned off (Col. 3, lines 65-67) or when the

Art Unit: 2838

device is turned on (col. 4, lines 5-8). When the inputted information comprises rejection (Col. 6, lines 20-23) the safety information, the device turns off (Col. 25-32).

Misawa, Goto and Kabe are analogous art because they are from the same field of endeavor namely portable electronic device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art, to have added power detection unit in view of the teachings of Kabe in order to detect power source that has been decoupled during the time the device is turned off.

The suggestion for doing so would have been obvious in view of the teachings of Kabe in col. 4, lines 29-40, col. 6, lines 20-33).

With respect to claims 5 and 6, Goto discloses a display of the safety information (Col. 1, 45-47) visible on the display until user inputs information into the device (Col. 2, lines 47-50), and inputted information selected (Col. 1, lines 49-50) from the group and it would have been obvious to a person of ordinary skill in the art, to have selected the safety information as an acceptance or a rejection of the safety information as per the user choice. Providing an information display method having a superior information notification function would have included these functionalities in view of the teachings of Goto (Col. 2, lines 22-25).

Regarding claim 9, Goto discloses when the power source (Fig. 1, 200) is identified, safety information of a first type (Col. 2, 28-30) is presented on the display, and safety information of a second type is presented on a display (Col. 2, lines 30-38).

Response to Arguments

Applicant's arguments filed on 09/08/2006 have been considered but are ineffective to overcome the combined references of Misawa, Goto and Kabe. (See the rejection above).

Applicant argues that " ... Misawa and Kabe do not describe... any type of warning... do not describe a portable electronic device that presents safety information ... indicating power source should not be disposed in fire, ..." However, applicant admitted, at least, that Misawa discloses a warning display associated with a power source (battery voltage level). Besides, Misawa discloses that warning unit would issue a warning in response to safety information (col. 2, lines 24-26), and display the text on the display panel as illustrated in fig. 11. But, in order to expressly disclose the message specific text as argued by the applicant " ... power source should not be disposed in fire, not be disassembled or may be recycled... " Goto' reference is added to explicitly teach a text displayed on the display means to provide variable information containing numbers, character messages (capable of displaying any text message such as a display that indicates the power source should not disposed in fire, not be disassembled or may be recycled) and anything illustrated in figures. (Col. 2, lines 44-49). See also remarks concerning the printed matter doctrine and official notice above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-8928. The examiner can normally be reached on M - F: 7- 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KARL EASTHOM
SUPERVISORY PATENT EXAMINER